

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN RAMIREZ CAMPOS,

Defendant.

No. 2:95-cr-0020

ORDER

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Defendant Juan Ramirez Campos moves for a reduction of sentence pursuant to 18 U.C.C. § 3582(c)(2). To be eligible for such a reduction, defendant must show that his sentence was "based on a sentencing range that has subsequently been lowered by the Sentencing Commission." United States v. Wesson, 583 F.3d 728, 730 (9th Cir. 2009). However, defendant was found at the time of sentencing to be a career offender, and as such was sentenced pursuant to § 4B1.1 of the Sentencing Guidelines. Accordingly, Amendment 782, upon which defendant relies, did not lower the sentencing range in this case. See United States v.

1 Charles, 749 F.3d 767, 770 (9th Cir. 2014) ("[R]etroactive
2 amendments regarding sentences under the drug guidelines do not
3 affect individuals who were sentenced as career offenders.")

4 Defendant's argument that his sentence violated
5 Apprendi v. New Jersey, 530 U.S. 466 (2000), does not affect this
6 motion. Apprendi did not invalidate § 4B1.1. See United States
7 v. McBride, 283 F.3d 612, 616 (3rd Cir. 2002) (holding that
8 defendant's "Apprendi argument was independent of and unrelated
9 to any change in the Guidelines and was, therefore, outside the
10 scope of a sentence modification under § 3582.")

11 IT IS THEREFORE ORDERED that defendant's motion for a
12 reduction of sentence pursuant to 18 U.C.C. § 3582 be, and the
13 same hereby is, DENIED.

14 Dated: October 14, 2016


15 WILLIAM B. SHUBB
16 UNITED STATES DISTRICT JUDGE
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